

REMARKS

The Office Action dated March 5, 2010, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1, 3-10, and 50-61 are currently pending in the application, of which claims 1, 8, 50, 57, and 60-61 are independent claims. Claims 1, 3-10, and 50-61 are respectfully submitted for consideration.

Claims 60-61 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

The rationale provided for the rejection of claims 60-61 states that “Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer.” However, claims 60-61 both state that the recited computer programs are “embodied on a computer-readable storage medium.” Accordingly, the rationale applied in the Office Action demonstrates that the claims do recite statutory subject matter.

The Office Action additionally argued that “Based on applicant’s description in the specification, page 13, lines 5-8, ‘for example, from a computer program embodied on a record carrier,’ a person of ordinary skill in the art can interpret the program as a signal.” However, that is just one example and the presently pending claims 60-61, specifically recite, “embodied on a computer-readable **storage** medium” (emphasis added) which is not reasonably interpreted as a transient signal. Accordingly, it is respectfully submitted that this additional rationale cannot support the rejection.

Claims 1, 3-10, and 50-56 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,728,712 of Kelley *et al.* (“Kelley”) in view of Greene (“Green”) (U.S. Patent Publication No. 2002/0077080). The Office Action acknowledged that Kelly fails to disclose such things as “estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a [tag] in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network.” The Office Action cited Green to remedy Kelley’s deficiencies. Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3-7 depend, is directed to an apparatus. The apparatus includes at least one processor and at least one memory including computer program code. The at least one memory and the computer program code are configured to, with the at least one processor, cause the apparatus at least to store a set of tags and for each tag, store an associated network address. The at least one memory and the computer program code are configured to, with the at least one processor, cause the apparatus at least to provide a user interface that enables a user to select one of the tags and cause the apparatus to initiate a connection to the network address associated with the tag. The at least one memory and the computer program code are further configured to, with the at least one processor, cause the apparatus at least to estimate the location of the apparatus. The at least one memory and the computer program code are additionally configured to,

with the at least one processor, cause the apparatus at least to communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location. The at least one memory and the computer program code are also configured to, with the at least one processor, cause the apparatus at least to automatically alter the network address associated with the tag in response to the communication received from the network.

Claim 8, upon which claims 9-10 depend, is directed to an apparatus. The apparatus includes at least one processor and at least one memory including computer program code. The at least one memory and the computer program code are configured to, with the at least one processor, cause the apparatus at least to store a set of tags and for each tag, store an associated network address. The at least one memory and the computer program code are also configured to, with the at least one processor, cause the apparatus at least to communicate at least one instruction containing a tag and an associated network address with at least one mobile communication terminal. The at least one mobile communication terminal is configured to communicate with the apparatus to request that the apparatus transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location.

Claim 50, upon which claims 51-56 depend, is directed to a method. The method includes storing a set of tags and for each tag, storing an associated network address. The method also includes providing a user interface that enables a user to select one of the tags and cause a mobile communication terminal to initiate a connection to the network

address associated with the tag. The method further includes estimating the location of the mobile communication terminal. The method additionally includes communicating with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location. The method also includes automatically altering the network address associated with the tag in response to the communication received from the network.

Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Kelley and Greene.

Kelley generally discusses “software for updating desired inter- or intra-net addresses at a client computer” (column 1, lines 9-10). “Database 14 is conventionally referred to as a bookmark database, having addresses of often-used web pages or files 26, 28 having different addresses (URLs) and accessible 24 through network server 18. As will be explained further, database 16 contains the updated addresses of the files listed on the client bookmark, and the updated addresses are used to make changes to the bookmark database 14” (column 4, lines 8-15, of Kelley).

Claim 1 recites, in part, “estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network.” Applicants respectfully submit that the

combination of Kelley and Greene fails to disclose or suggest at least these features of claim 1.

The Office Action acknowledged that “Kelley does not specifically disclose estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a [tag] in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network in the format claimed.” Thus, instead of relying only on Kelley, the Office Action relied on paragraph [0019] of Greene. Applicants respectfully submit that Greene fails to teach or suggest the above-recited features of claim 1.

Greene generally discusses “a tracking system making use of the Internet and instant message (IM) technology” (paragraph [0001]). “[D]etermined position data (e.g., altitude, latitude and longitude) relating to the position of the wireless device is associated with user-defined location tags (e.g., ‘at home’ or ‘in the office’). Thereafter, a status update message indicating the status and/or location of the user who carries the wireless device is sent to other wired or wireless devices, where the status update message is displayed” (paragraph [0008] of Greene). “The wireless device 13 can repeatedly send position data to the IM server 19, which translates the position data into location tags and sends status update messages to the other wired or wireless devices 11, 13” (paragraph [0019] of Greene).

The Office Action argued that “It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the above combination such that the apparatus of Kelley would be able to estimate its location, for the purposes of letting the network [be] informed of its location, and consequently allowing the network to alter the network address associated with the tag and thus providing an efficient communication system.” Applicants respectfully disagree with the Office Action’s conclusion of obviousness.

The tags of Kelley are not disclosed as being related to a physical location. Instead the tags of Kelley, as relied upon in the Office Action, are web addresses or URLs. There is no obvious basis upon which a person of ordinary skill in the art would have been lead to modify the tags of Kelley based on a location estimate provided by a wireless device.

Thus, even if the features “estimate the location of the apparatus,” and “communicate with the network” would be met by a combination of Kelley and Greene (not admitted), there is simply no way that a person of ordinary skill in the art would modify Kelley such that the communication with the network would include a “request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location,” as recited in claim 1. There is no connection in the art between the URL-style addresses that Kelley is discussing and the location estimates the Greene is providing. Even if one of ordinary skill in the art were to combine Kelley and Greene (not admitted), there is no reason

based on the knowledge of one of ordinary skill in the art, without the benefit of the present application, that the combination would resemble what is recited in the claims.

For similar reasons, the combination of Kelly and Greene cannot disclose or suggest, “the at least one mobile communication terminal is configured to communicate with the apparatus to request that the apparatus transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location,” as recited in claim 8, “estimating the location of the mobile communication terminal; communicating with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location; and automatically altering the network address associated with the tag in response to the communication received from the network,” as recited in claim 50, or “the at least one mobile communication terminal is configured to communicate with a network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location,” as recited in claim 57. Likewise, for similar reasons, the recitations of claims 60 and 61, which each have their own scope, are not found in the combination of Kelley and Greene. It is, therefore, respectfully requested that the rejections of claims 1, 8, and 50 be withdrawn. The rejection of claims 57 and 60-61 were made on other grounds, as will be discussed below, but also ought to be withdrawn.

Claims 3-7, 9-10, and 51-56 depend respectively from, and further limit, claims 1, 8, and 50. Thus, each of claims 3-7, 9-10, and 51-56 recites subject matter that was neither disclosed nor suggested in the combination of Kelley and Greene. It is, therefore, respectfully requested that the rejection of claims 3-7, 9-10, and 51-56 be withdrawn.

Claims 57-59, and 61 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Kelley in view of U.S. Patent Publication No. 2002/0026500 of Kanefsky *et al.* (“Kanefsky”). The Office Action acknowledged that Kelley fails to disclose that the communication device is a mobile communication device, and cited Kanefsky to remedy this deficiency. Applicants respectfully traverse this rejection.

At least some of the deficiencies of Kelley (with or without Greene) as to independent claims 57 and 61 are discussed above. Kanefsky does not remedy the above-identified deficiencies of Kelley.

Kanefsky generally discusses “the transmission of content from mobile devices to other devices through a network” (paragraph [0002]). “[A]n indication of a URL corresponding to content accessed by a WAP/i-mode-enabled mobile device is received. Additionally a destination address is received from the WAP/i-mode-enabled mobile device. Subsequently, an indication of the URL corresponding to the content is transmitted to the destination address” (paragraph [0016] of Kanefsky).

However, as the Office Action of September 30, 2009, had correctly noted, “[t]he combination above [namely the combination of Kelley, Kanefsky, and Greene] is silent on whether the mobile device would transmit a communication request requesting

automatically altering of the network address with a tag being in dependence on the estimated location in the format claimed.” (September 30, 2009, Office Action at page 11)

Accordingly, it is respectfully submitted that Kanefsky cannot remedy the above-identified deficiencies of Kelley, and it is respectfully requested that the rejection of claims 57 and 61 be withdrawn.

Claims 58-59 depend from and further limit claim 57. Thus, the combination of Kelley and Kanefsky fails to disclose or suggest all of the features of claims 58-59. It is, therefore, respectfully requested that the rejection of claims 58-59 be withdrawn.

Claim 60 was rejected under 35 USC § 103(a) as allegedly being unpatentable over Kelley in view of Kanefsky and further in view of Greene. Applicants respectfully traverse this rejection for the reasons already stated above. Withdrawal of the rejection is respectfully requested.

For the reasons set forth above, it is respectfully submitted that each of claims 1, 3-10, and 50-61 recite subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-10, and 50-61 be allowed and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants’ undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosure: Petition for Extension of Time